



PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
(Case No. 97,022-G1)

In re Application of:)	
)	
R. Terry Dunlay, et al.)	
)	Group Art Unit: 1641
Serial No.: 09/721,168)	
)	Examiner: Changhwaj Cheu
Filed: November 22, 2000)	
)	
For: System for Cell-Based Screening)	

SUPPLEMENTAL
INFORMATION DISCLOSURE STATEMENT

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Dear Sir:

Pursuant to 37 C.F.R. Section 1.97 - 1.99, the Applicant wishes to make the following references of record in the above-identified application. This Information Disclosure Statement is in compliance with the continuing duty of candor as set forth in 37 C.F.R. Section 1.56. Copies of the references cited below are enclosed. These references are also listed on the enclosed PTO Form 1449.

In the judgment of the undersigned, portions of the listed references may be material to the Examiner's consideration of the presently pending claims. However, the references have not been reviewed in sufficient detail to make any other representation and, in particular, no representation is intended as to the relative relevance between references, whether cited in this or prior statements. This statement is not a representation that the listed references have effective dates early enough to be "prior art" within the meaning of 35 U.S.C. Section 102 or Section 103.

This Information Disclosure Statement is being filed:

McDonnell, Boehnen, Hulbert & Berghoff
300 S. Wacker Drive, Suite 3200
Chicago, IL 60606
312-913-0001

01/09/2004 CCHAU1 00000095 132490 09721168

01 FC:1806 180.00 DA

- ☐ within three months of the filing date of a national application; within three months of the date of entry into the national stage as set forth in 37 C.F.R. § 1.491 in an international application; or before the mailing date of a first Office Action on the merits. 37 C.F.R. § 1.97 (b)
- ☒ **after** three months of the filing date of a national application, or the date of entry into the national stage as set forth in 37 C.F.R. § 1.491 in an international application; or **after** the mailing date of a first Office Action on the merits, but **before** the mailing date of a Final Action under 37 C.F.R. § 1.113 or a Notice of Allowance under 37 C.F.R. § 1.311 (whichever occurs first), and includes (37 C.F.R. § 1.97 (c):
- ☐ the Certification under 37 C.F.R. § 1.97(e) (see “Certification” below)

OR

- ☒ the fee of \$240 set forth in 37 C.F.R. § 1.17(p) (see “Fees” below).
- ☐ **after** a Final Action under 37 C.F.R. § 1.113 or a Notice of Allowance under 37 C.F.R. § 1.311 (whichever occurs first), but before, or simultaneously with, the payment of the issue fee, and includes the Certification under 37 C.F.R. § 1.97(e) (see “Certification” below), and the Petition Fee set forth in 37 C.F.R. § 1.17(i) (see “Fees” and “Method of Payment of Fees” below). Applicants hereby petitions for consideration of the Information Disclosure Statement submitted herewith and the accompanying references in examination of the subject patent application.

CERTIFICATION

- ☐ The **undersigned** hereby certifies that each item of information contained in the Information Disclosure Statement was cited in a communication from a foreign patent office in a counterpart foreign patent application not more than three months prior to the filing of the Information Disclosure Statement.
- ☐ The **undersigned** hereby certifies that no item of information contained in the Information Disclosure Statement was cited in a communication from a foreign patent office in a counterpart foreign patent application or, to the knowledge of the person signing the certification after making reasonable inquiry, was known to any individual designated in 37 C.F.R. § 1.56(c) more than three months prior to the filing of the Information Disclosure Statement.

FEES

- ☐ No fee is owed by the applicant(s).
☒ The IDS Fee of \$240.00 under 37 C.F.R. § 1.17(p) is enclosed herewith.

METHOD OF PAYMENT OF FEES

- ☒ Charge Deposit Account No. 13-2490 in the amount of \$240.00. (A duplicate copy of this communication is enclosed for that purpose.)

Please charge any underpayment or credit any overpayment in connection with this communication to Deposit Account No. 13-2490. A duplicate copy of this communication is enclosed for this purpose.

CERTIFICATE OF MAILING AS "EXPRESS MAIL" (37 CFR 1.10) I hereby certify that this correspondence and all attached paper(s) or fee(s) is being deposited with sufficient postage, with the United States Postal Service as EXPRESS MAIL POST OFFICE TO ADDRESSEE in an envelope addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450, with sufficient postage, on this 5th Day of January, 2004 under Express Mail Certificate No. **EV333557038US**.

Date: _____

1/5/04

Respectfully submitted,



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U.S. Patent Documents

1. Kirk Schroeder, et al., United States Patent No. 5,355,215, Issued on October 11, 1994.
2. Jeffrey H. Price, et al., United States Patent No. 5,548,661, Issued on August 20, 1996.
3. Dario Cabib, et al., United States Patent No., 5,784,162, Issued on July 21, 1998.

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4. Timothy D. Harris, et al., United States Patent No. 6,388,788, Issued on May 14, 2002.
5. R. Terry Dunlay, et al., United States Patent No. 6,573,039, Issued on June 3, 2003.
6. R. Terry Dunlay, et al., United States Patent No. 6,620,591, Issued on September 16, 2003.

Published US Application:

7. U.S. Published Application No. 2003-0204316, Published on October 30, 2003.

In accordance with MPEP Sections 609 and 707.05(b), it is requested the document cited be given thorough consideration and that it be cited of record in the prosecution history of the present application by initialing on Form PTO-1449. Such initialing is requested even if the Examiner does not consider a cited document to be sufficiently pertinent to use in a rejection, or otherwise does not consider it to be prior art for any reason, or even if the Examiner does not believe that the guidelines for citation have been fully complied with. This is requested so that each document becomes listed on the face of the patent issuing on the present application.

Unpublished Commonly Owned Pending Applications

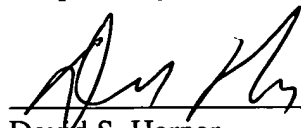
09/724,376 Filed November 27, 2000
09/380,259 Filed February 27, 1998
10/411,635 Filed April 11, 2003
10/686,161 Filed October 15, 2003
09/352,171 Filed July 12, 1999
09/598,347 Filed June 21, 2000
09/723,256 Filed November 27, 2000

Date:

1/5/04

Respectfully Submitted,

By:


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FORM PTO-1449
(Rev. 2-32)

U.S. Department of Commerce
Patent and Trademark Office

Atty. Docket No.

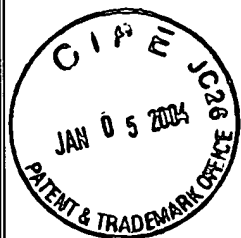
97,022-G1

Serial No.

09/721,168

INFORMATION DISCLOSURE
STATEMENT BY APPLICANT

(Use several sheets if necessary)



Applicant:

R. Terry Dunlay, et al.

Filing Date:

November 22, 2000

Group:

1641

U.S. PATENT DOCUMENTS

Examiner Initial		Document Number	Date	Name	Class	Subclass	Filing Date if Appropriate
	1.	5,355,215	10-11-94	Kirk Schroeder, et al.			9-30-92
	2.	5,548,661	8-20-96	Jeffrey H. Price, et al.			9-7-94
	3.	5,784,162	7-21-98	Dario Cabib, et al.			12-12-95
	4.	6,388,788	5-14-02	Timothy D. Harris, et al.			6-15-99
	5.	6,573,039	6-3-03	R. Terry Dunlay, et al.			8-29-00
	6.	6,620,591	9-16-03	R. Terry Dunlay, et al.			4-16-99

FOREIGN PATENT DOCUMENTS

		Document Number	Date	Country	Class	Subclass	Translation	
							Yes	No

OTHER DOCUMENTS (Including Author, Title, Date, Pertinent Pages, Etc).

7.	U.S. Published Application No. 2003-0204316, Published on October 30, 2003.

EXAMINER

DATE CONSIDERED

EXAMINER: Initial if citation considered, whether or not citation is in conformance with MPEP 609; Draw line through citation if not in conformance and not considered. Include copy of this form with next communication.